

U. S. Patent Application No. 09/788,179
Amendment Dated August 16, 2004
Reply to Office Action Dated March 16, 2004

Remarks

Claims 1-20 stand rejected under 35 U.S.C. §102(b) under U. S. Patent No. 5,642,160 to Bennett, et al. (“Bennett”) or under 35 U.S.C. §103(a) over Bennett in combination with another reference. Claim 9 is rejected under 35 U.S.C. §103(a) over Bennett in view of U. S. Patent No. 6,601,045 to DePietro (“DePietro”). Claim 13 is rejected under 35 U.S.C. §103(a) as being unpatentable over Bennett in view of U. S. Patent No. 6,104,809 to Berson, while Claim 14 is rejected under 35 U.S.C. §103(a) over Bennett in view of DePietro, and further in view of U. S. Patent No. 6,536,661 to Takami.

Applicants cancel claims 1-20 without prejudice or disclaimer and add new claims 21-57. New claims 21-57 are believed to be allowable in that they recite combinations of elements not shown or suggested in the recited prior art. Claims 48-57 are believed to recite combination of features previously indicated to be allowable by the Examiner.

It is stressed that the cancellation of claims 1-20 is without prejudice or disclaimer. Applicants expressly reserve the right to prosecute claims directed to the subject matter of the cancelled claims in a related application (e.g., continuation).

Regarding the objection to the drawings under 37 C.F.R. §183(a), applicants amend the specification so that the specification is consistent with the drawings. The illumination assembly was erroneously referenced as element 20 in the drawings. The imaging assembly is clearly described as including elements 32 and 34 in the drawings.

In regard to the objection of the drawings for use of hyphens and commas, applicants can find no provision of 37 C.F.R. §1.84 stating that use of hyphens and commas. The Examiner has not cited any clause of 37 C.F.R. §1.84 with respect to applicants’ use of hyphens and commas. Drawings are acceptable as long as they are in compliance with 37 C.F.R. §1.84. See MPEP 608.02. Applicants utilize hyphens and commas to designate certain features in the drawings to bring greater clarity to the specification. Hyphens are

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utilized when a feature is a species of certain generically defined element. Commas are utilized when a feature of a drawing is part of more than one element described in the specification. Applicants can find no clause in 37 C.F.R. §1.84 stating that use of hyphens and commas to enhance the information content of an element labeling scheme is improper. Accordingly, for the above reasons, the objection to the drawings for use of hyphens and commas is believed to be overcome, and therefore addressed in full. If the Examiner disagrees, applicants propose, as is required by the Examiner, to replace the use of commas with the deployment of more than one reference element line to each of several elements. Further, where hyphens are used, applicants propose replacing the hyphenated reference characters with new reference characters that are devoid of hyphens. While such amendments would, in applicants' view, reduce the information content of the reference labeling scheme, applicants will make the proposed changes if the changes will yield an allowance of the application.

Accordingly, in view of the above amendments and remarks, applicants believe all of the claims of the present application to be in condition for allowance and respectfully request reconsideration and passage to allowance of the application.

If the Examiner believes that contact with applicants' attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call applicants' representative at the phone number listed below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to deposit Account No. 50-0289.

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Respectfully submitted,

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